

UNITED STATES COURT OF APPEALS June 18, 2010

FOR THE TENTH CIRCUIT Elisabeth A. Shumaker  
Clerk of Court

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STORMONT-VAIL REGIONAL  
MEDICAL CENTER,

Plaintiff – Appellee,

v.

MICHAEL O. LEAVITT, Secretary of  
Health and Human Services,

Defendant – Appellant.

No. 10-3122  
(D.C. No. 5:08-CV-04065-JAR-JPO)

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STORMONT-VAIL REGIONAL  
MEDICAL CENTER,

Plaintiff – Appellant,

v.

MICHAEL O. LEAVITT, Secretary of  
Health and Human Services,

Defendant – Appellee.

No. 10-3123  
(D.C. No. 5:08-CV-04065-JAR-JPO)

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**ORDER**

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This matter is before the court on Michael Leavitt’s Motion to Dismiss Appeal in case number 10-3122. The motion to dismiss appeal number 10-3122 is granted. 10<sup>th</sup>

Cir. R. 27.3(A)(9). A copy of this order shall stand as and for the mandate of the court in 10-3122.

Briefing on the merits shall proceed in case number 10-3123. Appellant's opening brief for Stormont-Vail Regional Medical Center shall be served and filed on or before July 19, 2010.

Entered for the Court,

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a horizontal flourish.

ELISABETH A. SHUMAKER, Clerk